

Notice of Allowability

Application No.

10/757,745

Examiner

Samuel W. Liu

Applicant(s)

PYPE ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/06.
2. ☒ The allowed claim(s) is/are 8-9 and 11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. PCT/EP99/03025.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/28/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

The amendment filed 2/27/06 which cancels claims 1-7 and 12-24, adds claim 25, and amends claims 8-11, has been entered. The following Office action is applied to pending claims 8-11 and 25.

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the change and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Yury M. Colton, on March 28, 2006. Applicants agree (see the attachment) to the examiner proposed amendment to claims 9-10 and 25 shown below.

Amendments to the claim:

The pending claims 9-10 and 25 have been amended as follows. Please replace the previous claims with the claims shown below.

Claim 9 (*Amended*): The isolated nucleic acid sequence of claim 8 comprising the nucleotide sequence encoding SEQ ID NO:2.

Delete claims 10 and 25.

Amendment to the specification:

In abstract is amended as follows (in one paragraph):

The present invention relates to novel proteins interacting with the cytoplasmic domain of CD40, which are useful in the treatment of CD40 and/or NF- κ B related diseases. Surprisingly, these proteins do not show significant amino acid sequence identity with the members of tumor necrosis factor receptor associated factor (TRAF) family; and thus, offer the possibility to modulate the CD40 and/or NF- κ B signaling pathway independently from interaction of TRAF with CD40.

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On the amendment (filed 11/10/05) to the specification, "U.S. Patent [[____]] 6,812,203" should be changed to "U.S. Patent No. 6,812,203".


On paragraph [0084], "4c4" should be changed to "4C4".

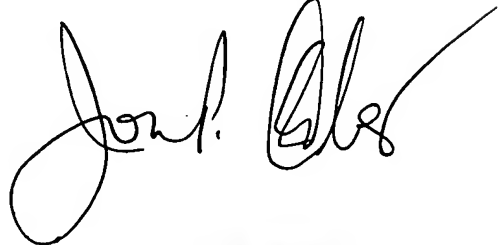
Conclusion: claims 8, 9 and 11 are allowed.

The following is an **Examiner's Statement of Reasons for Allowance**: The applicants' amendment filed 2/27/06 and the amendment show above obviate the rejection under 35 USC 112, first paragraph with regard to enablement for a nucleotide sequence encoding a fragment of the polypeptide which is encoded by the claimed polynucleotide. Thus, claims 8-9 and 11 are allowed.

Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Wei Liu, Ph.D. whose telephone number is (571) 272-0949. The Examiner can normally be reached from 9:30 A.M. to 6:00 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jon Weber, can be reached at (571) 272-0925. The official fax number for Technology Center 1600 is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.


Samuel W. Liu, Ph.D.
Art Unit 1653, Examiner
January 24, 2006


JON WEBER
SUPERVISORY PATENT EXAMINER

Abstract

The present invention relates to novel proteins interacting with the cytoplasmic domain of CD40, which are useful in the treatment of CD40 and/or NF- κ B related diseases. Surprisingly, these proteins do not show significant amino acid sequence identity with the members of tumor necrosis factor receptor associated factor (TRAF) family; and thus, offer the possibility to modulate the CD40 and/or NF- κ B signaling pathway independently from interaction of TRAF with CD40.